

1 Plaintiffs APARTMENT ASSOCIATION OF GREATER LOS
2 ANGELES and ORIT BLAU (collectively "Plaintiff," or "AAGLA")
3 hereby files the following Complaint by right and states and
4 alleges as follows:

5 JURISDICTION AND VENUE

6 1. Jurisdiction of the federal court exists
7 pursuant to 28 U.S.C. Section 1331 and 28 U.S.C. Section 1343
8 (a)(3). This action, which arises under the laws and
9 Constitution of the United States, specifically, under the
10 Fourth and Fourteenth Amendments, and involves violations of
11 federal law actionable pursuant to 42 U.S.C. Section 1983.

12 2. Venue is proper in this District pursuant to
13 28 U.S.C. Section 1391(b) in that Defendant CITY OF BEVERLY
14 HILLS("Defendant" or "City"), is a public entity in this
15 District and the claims arose in this District.

16 PARTIES

17 3. AAGLA is Southern California's leading
18 advocate for affordable quality housing whose principal place
19 of business is 621 Westmoreland Avenue, Los Angeles, CA
20 90005. Plaintiff Orit Blau is a member of AAGLA.

21 4. The City is a municipal corporation formed and
22 operating under its local charter and the laws of the State
23 of California.
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1 5. The true names and capacities, whether
2 individual, corporate, associate or otherwise, herein named
3 as DOES 1 through 10, and persons heretofore unknown
4 involved in the actions taken against plaintiffs are unknown
5 to him at this time. Plaintiff is informed and believes and
6 based thereon alleges that each of the DOE defendants is
7 responsible in some manner for the occurrences herein referred
8 to, and that plaintiff's injuries and damages as herein
9 alleged were proximately caused by those defendants.
10 Plaintiff sues said defendants by such fictitious names on
11 the grounds that the true names and capacities of said
12 defendants are unknown to them at this time. Plaintiff will
13 amend this complaint when the true names and capacities of
14 said DOE defendants are ascertained. Each reference in this
15 complaint to "defendant", "defendants" or a specifically
16 named defendant also refers to defendants sued under
17 fictitious names.

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19 PRELIMINARY FACTUAL HISTORY

20 6. AAGLA is a trade association that is over 100
21 years old and is Southern California's leading advocate for
22 affordable quality housing.

23 7. AAGLA's members consist of apartment owners.

24 8. AAGLA was founded to provide education and
25 information to its members.

1 13. The information required to be given to the City
2 as alleged in paragraph 12 is in effect a condition of
3 licensing in that the City will not permit a property owner a
4 license to rent such units subject to the RSO unless such
5 sensitive business information is divulged to the City.

6 14. AAGLA's members' tenants also have a
7 fundamental liberty and property interest that protects their
8 privacy under the California Constitution that is a "state
9 created" liberty and property interest incorporated and
10 protected under the Due Process Clause of the Fourteenth
11 Amendment of the United States Constitution.

12 15. The Ordinance in requiring that AAGLA'S members
13 divulge their tenant's sensitive rental information without
14 requiring notice and consent from the tenants or a court
15 order infringes on their tenants fundamental privacy rights
16 protected under the Due Process Clause of the Fourteenth
17 Amendment of the United States Constitution and subjects
18 AAGLA'S members to liability from such tenants both under
19 state and federal law.
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21 16. In addition, the Ordinance requires that the
22 tenant rental information be provided to the City by the
23 property owner as a condition of obtaining the license, under
24 the City's municipal code a violation of any ordinance
25 carries with it an additional threat of civil and criminal
26 penalties.
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1 Based on the above facts, Plaintiff alleges the
2 following claims:

3 FIRST CLAIM FOR RELIEF

4 (Violation of Civil Rights Under 42 U.S.C.

5 Section 1983 by Plaintiff Against All
6 Defendants)

7 17. AAGLA realleges and incorporates herein by
8 reference to each and every allegation contained in
9 Paragraphs 1 through 16, and all its subparts, inclusive, as
10 set forth hereinabove.

11 18. AAGLA is informed and believes, and based upon
12 such information and belief alleges, that in doing all of the
13 things herein mentioned, the City and defendants, and each of
14 them, acted under color of the statutes, regulations, customs
15 and usages of the City of Los Angeles, and the State of
16 California for purposes of "state action" and "color of law"
17 under 42 U.S.C. Section 1983.

18 19. AAGLA is further informed and believes, and
19 based upon such information and belief allege, that by
20 taking the actions hereinabove alleged in paragraphs 1-17
21 above, the City and defendants, and each of them, violates
22 and further threatens to violate the constitutional and=
23 civil rights of AAGLA'S members, in particular its individual
24 rights under the Fourth and Fourteenth Amendments of the
25 United States Constitution to be free from to be free from an
26 unreasonable search and seizure of its property, both on its
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1 face under the Ordinance and as applied to AAGLA'S members;
2 and further violates under the Fourth Amendment by imposing
3 under the Ordinance, on its face and as applied to AAGLA'S
4 members, an unconstitutional condition and restriction on its
5 licensing and renting of property in violation of the Fourth
6 Amendment and the substantive and procedural components of
7 the Due Process Clause of the Fourteenth Amendment of the
8 United States Constitution.

9 20. AAGLA is further informed and believes, and
10 based upon such information and belief alleges, that by
11 taking the actions hereinabove alleged in paragraphs 1-17
12 above, the City and defendants, and each of them, violates
13 and further threatens to violate the constitutional and civil
14 rights of AAGLA'S members, in particular its individual
15 rights under the Equal Protection Clause of the Fourteenth
16 Amendment of the United States Constitution in that
17 similarly situated property owners and operators whose
18 properties are not zoned and classified as subject to the
19 RSO, such as hotels and motels, have not, and are not, being
20 treated by the City as AAAGLA'S members are under the
21 restrictions of the Ordinance.
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23 21. The City's actions described in paragraphs 1-17
24 above were done pursuant to official policy, custom, or
25 practice of the City.
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1 23. As a proximate result of the foregoing acts of
2 defendants, and each of them, AAGLA'S members are threatened
3 to suffer extreme hardship and damages, which damages
4 include, but is not limited to, economic damages, entitling
5 AAGLA suing on behalf of its members to appropriate
6 declaratory and injunctive relief against all the defendants,
7 and to its reasonable attorneys fees under 42 U.S.C. section
8 1988.

9 WHEREFORE, Plaintiff prays judgment against
10 Defendants, and each of them, as follows:

11 FIRST CLAIM FOR RELIEF

- 12 1. For declaratory and injunctive relief;
13 2. For attorney's fees pursuant to 42 U.S.C. Section
14 1988;
15 3. For costs of suit; and
16 4. For such other and further relief as the Court
17 deems just and proper.
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19 DATED: August 8, 2018

LAW OFFICES OF FRANK A.
WEISER

20
21 By: Frank A. Weiser
22 FRANK A. WEISER, Attorney for
23 Plaintiffs APARTMENT
24 ASSOCIATION OF GREATER LOS
25 LOS ANGELES and ORIT BLAU
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial pursuant
to F.R.C.P. 38.

DATED: August 8, 2018

LAW OFFICES OF FRANK A.
WEISER

By: Frank A. Weiser
FRANK A. WEISER, Attorney for
Plaintiffs APARTMENT
ASSOCIATION OF GREATER LOS
LOS ANGELES and ORIT BLAU